



# Los Angeles County Office of Education

Leading Educators • Supporting Students • Serving Communities

April 6, 2010

Darline P. Robles, Ph.D.  
Superintendent

**TO:** Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

Los Angeles County  
Board of Education

Angie Papadakis  
President

**FROM:** Darline P. Robles, Ph.D.  
Superintendent, Los Angeles County Office of Education

Thomas A. Saenz  
Vice President

**SUBJECT:** Response to Motion by Supervisor Michael D. Antonovich - March 23, 2010  
Employment Process For Teachers

Douglas R. Boyd

Rudell S. Freer

Leslie K. Gilbert-Lurie

Rebecca J. Turrentine

Maria Elena Yepes

## Previous Employment Process

The teacher in question was processed for employment in November of 2006. In 2006, the selection process for teachers was well defined, but more decentralized than it is currently. Outreach at that time was not extensive. Candidates applied for teaching positions and were cleared by Human Resource Services (HRS) in the areas listed below:

- **Online application process**
- **Credential status**
- **Department of Justice Clearance** (Live Scan - Fingerprinting Procedure)
- **Reference checks**

Qualified candidates were referred to site principals for interviews with the Site Based Decision Making Councils (SDM). Principals made the final selection. Candidates selected for employment were contacted by HRS for processing and TB clearance.

The aforementioned process was utilized in hiring the teacher in question. There were no breaches in protocol or procedures in the hiring process for this individual. The teacher was transitioned from substitute work to full time in June of 2007 for service at BJ Nidorf. At the end of the 2007-08 school year the teacher transferred to the Division of Special Education since he was an intern in the special education component of the credentialing program.

The incident at Camp Holton occurred on August 8, 2008, when the teacher was substituting while awaiting the commencement of his new assignment in September. Subsequently, HRS banned the teacher from substituting at all schools. An investigation ensued and the teacher resigned on September 29, 2008, in lieu of

dismissal. HRS reported the teacher to the Commission on Teacher Credentialing which is conducting its own investigation.

### Current Employment Process

On July 24, 2007, a new Assistant Superintendent of HRS was hired. This individual was directed to review and restructure the processes used for recruitment and selection of certificated staff for the Office. The following narrative summarizes changes that were implemented as a result of this study.

In 2008, the first LACOE Certificated Staffing Plan was developed and widely distributed in order to restructure the hiring process and reaffirm the selection of certificated staff as the core function of HRS.

In February of 2009, the process continued to evolve, becoming more centralized, and the Certificated Staffing Plan was updated. It was disseminated in February of 2010 to serve as a blueprint of the process for HRS staff, Educational Program directors, and site administrators. HRS commenced an aggressive recruitment campaign for teachers that includes a LACOE presence at all local university campus recruitment events as well as representation at all major recruiting fairs.

As documented in the updated Certificated Staffing Plan, the same processes occur centrally, but include the following major modifications and additions:

- **Online application process** - Applicants who have any previous employment issues do not move forward (e.g., *Have you ever been dismissed or asked to resign from any position?*)
- **Credential status** - Applicants with full credentials are given priority. Fully credentialed candidates who are of high caliber are eligible for a Premier Contract to ensure employment before their assignment begins in order to "hold" a spot for them with LACOE.
- **Department of Justice Clearance** (Live Scan - Fingerprinting Procedure)
- **Reference checks** - All references are cleared by the HRS recruiter.
- **Interviews** are conducted centrally prior to referrals to site principals. Interview questions are aligned to the California Standards for the Teaching Profession (CSTP).

Site interviews by the SDM Councils consist of **performance interviews** in order to ascertain if the candidate possesses the requisite skills to work with the specialized populations at the Office. (See attached Teacher Selection Roadmap and the Certificated Staffing Plan 2010-11 for more details.)

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Employee Discipline

Administrators are trained by the Labor Relations staff in employee discipline procedures utilizing the Progressive Discipline handbook (see attached, particularly page 13). The handbook outlines both the purpose of progressive discipline and the five steps involved in its implementation. Principals and assistant principals work closely with their division directors to implement disciplinary measures under the guidance of the Labor Relations staff. Any behaviors which adversely affect the safety of students necessitate the immediate removal of the teacher from a school site pending an extensive investigation by the Office.

Human Resource Services will continue to explore ways to enhance its recruitment and selection processes to ensure a safe learning environment for its diverse student population.

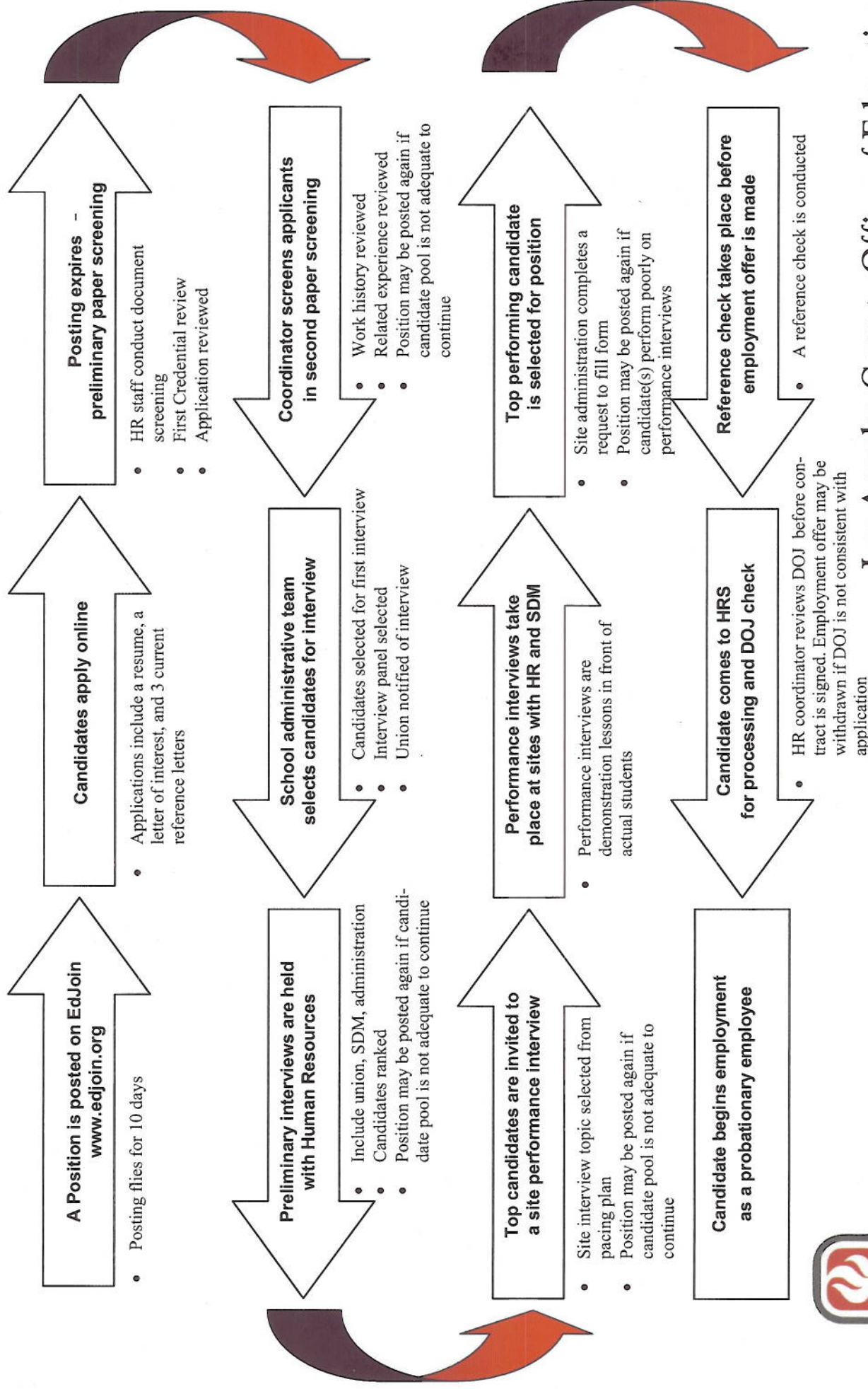
DPR/CHP:lm

Attachments

c: Sachi A. Hamai, Executive Officer, Board of Supervisors  
Los Angeles County Board of Education  
William T Fujioka, Chief Executive Officer  
Andrea Ordin, County Counsel  
Randi Tahara, Board Deputy  
Aurelio Rojas, Press Deputy  
Educational Deputies  
Vibiana Andrade, General Counsel, LACOE  
Carolina H. Pavía, Assistant Superintendent, LACOE  
Gerald Riley, Assistant Superintendent, LACOE



# Teacher Selection Roadmap



**Los Angeles County Office of Education**

Human Resource Services  
Certificated Recruitment Unit



**Los Angeles County  
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## Los Angeles County Office of Education

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### Human Resource Services

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## CERTIFICATED STAFFING PLAN 2010-11

*"We are currently preparing students for jobs and technologies that don't yet exist...In order to solve problems we don't even know are problems yet."*

Karl Fisch

### BACKGROUND

Staffing schools is the single most important function that a human resources staff performs. Studies have shown that the teacher is the most critical element of a child's instructional program. Research indicates that students who had strong teachers for three consecutive years outperformed those with weak teachers by 54% on norm referenced tests (Saunders and Rivers, 1996). This research and other similar studies serve as the basis for the Race to the Top initiative that is sweeping the Nation.

The teaching profession continues to face impending shortages in high demand subject areas. Data in 2006 from the National Commission on Teaching and America's Future (NCTAF) reveals that approximately a third of new teachers leave the profession in the first three years and nearly fifty percent leave within the first five years. Adding to this problem is the fact that many teachers are unwilling to work in urban or rural areas. This situation is exacerbated by the chronic shortages that exist on a national level in mathematics, science, and special education.

To further compound this challenge, an NCTAF survey of 2004 reflected that the median teacher age in California was 43, reflective of an aging workforce. The Center for the Future of Teaching and Learning report of 2009 further indicates that approximately 97,000 teachers will be eligible for retirement in the next decade. Currently, due to the economic downturn, most teachers are not retiring. However, once they do, it will adversely affect all subject areas in California.

The *No Child Left Behind* Act of 2001 (NCLB) mandated that all teachers of core academic subjects be designated as highly qualified by the end of 2006. California, like the other 49 states, was not successful in meeting this requirement. In addition, the State persists in having an inequitable distribution of highly qualified teachers, with those least prepared serving at poverty schools. However, in raising the standard, NCLB has markedly improved the qualifications of teachers statewide. Unfortunately, this legislation has had little impact upon the more elusive attributes of teacher quality.

In California the advent of blended programs in which students earn a degree, coupled with a credential, provided new options for teachers. LACOE's District Intern Program further increases the available credential pathways for teachers and taps into the talent within the community. This program is particularly attractive to mid-career professionals since they are able to teach while mastering the pedagogy of instruction. The Intern's preparation program offers credentials in all single subject areas as well as the Mild/Moderate and Moderate/Severe authorizations in Special Education. The Office also provides a Beginning Teacher Support and Assessment Program (BTSA) of induction to enable teachers to progress from a Preliminary to a Clear credential. The BTSA program currently serves 549 teachers across the County and is funded by the California Department of Education with oversight by the California Commission on Teacher Credentialing.

Research on retention studies in urban centers such as Chicago and rural areas like New Mexico reveal that teacher turnover is highest in low performing and poverty schools. Poor retention taxes diminishing resources and adversely affects student achievement. It is incumbent on employers to continue to support local programs such as the Intern and BTSA Programs that consistently yield the highest retention rates in the profession, while attracting a diverse population reflective of the students they serve. Data reveals that fewer persons are enrolling in credential programs across the State. Over a six year period, the number of persons enrolled in credential programs declined by one-third according to the Center for the Future of Teaching and Learning. The Center further warns that due to the budget crisis and the layoff of thousands of teachers in California this past year, this decline may persist. Lastly, since the CSU sites have severely limited their credential program enrollment, both the Intern and BTSA Programs have assumed paramount importance across the County.

It has also been stated that those urban areas that are most in need of teachers often lack technology and expedited hiring systems. It is critical for employers to search for creative ways to attract and contract the highest caliber of candidates and service them in an expeditious way. It is clear that those employers who wait, or make the process unduly cumbersome, will not secure the most desirable candidates. The use of Premier Contracts, coupled with consistent communication with prospective candidates, has markedly altered the recruitment process at LACOE. These practices have placed the Office at the forefront at conferences and recruitment fairs and have enabled LACOE to make offers to those most talented, qualified candidates at the initial meeting.



The practice at LACOE has been to hire fully credentialed teachers for Juvenile Court Schools (JCS) and the Division of Alternative Education (DAE). This had not been a reality in the Division of Special Education (DSE) due to the acute shortages that exist in this area. However, the hiring of fully credentialed teachers in DSE has increased significantly due to the implementation of a set of innovative recruitment and selection strategies. Historically, there were concerns about the quality of the teachers hired at LACOE. Additionally, the perception was that LACOE *waited* for teachers to come to the Office rather than LACOE *reaching out* to prospective applicants. It became incumbent on the Office to conduct an aggressive recruitment campaign to target exemplary teachers committed to serving students with special needs and those exhibiting at-risk behaviors. This intensive work began over a year ago and the strategies outlined in this plan are designed to continue to improve the quality of new hires.

## OUR MISSION

The Human Resource Services (HRS) staff is committed to the recruitment, selection, and processing of high quality educators who mirror the population served at LACOE.

## GOALS

HRS has dedicated itself to the following goals:

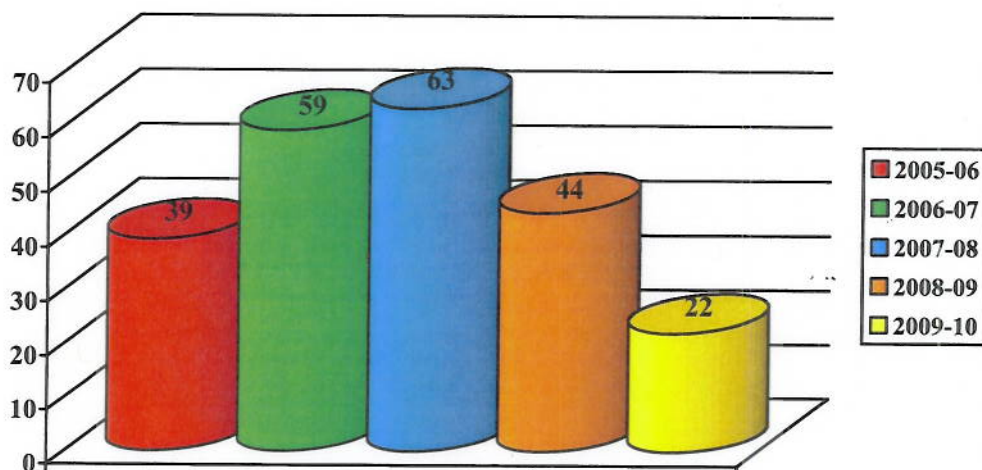
- Work closely with all stakeholders in order to ensure that all vacancies are filled with qualified candidates who are committed to closing the achievement gap.
- Implementation of a selection process to identify teachers who demonstrate sensitivity to the needs of diverse populations, such as English Learners (EL), those with special needs, and those who exhibit at-risk behaviors.
- Build and maintain relationships to ensure that both the internal and external clients are served in a timely, positive fashion.
- Recruitment, selection, and processing will be standardized and understood by all.

## DATA

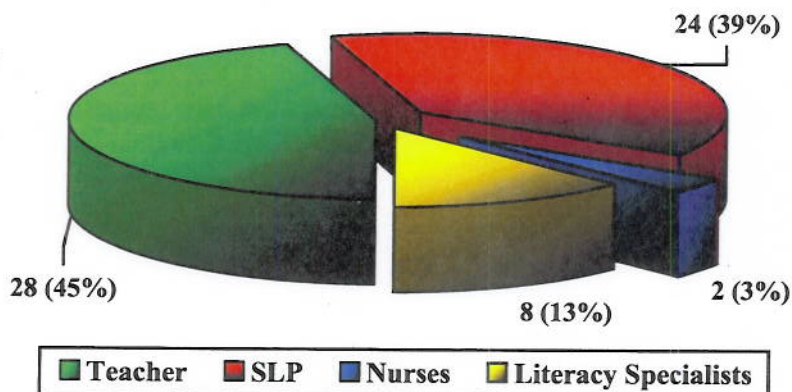
There are currently 1059 teachers and certificated non-management support staff serving students at LACOE. Of this number, 92% are deemed highly qualified in accordance with NCLB and 96% have fulfilled the requirements for an EL authorization.

The County has hired an average of 45 teachers and support staff per year over the last five years. It is projected that 24 teachers and support staff will be hired at the onset of the 2010-11 academic year due to potential reductions in both DAE and JCS. As always, the Office will continue to hire throughout the school year as evidenced by the charts below.

**LACOE Hires July 1 through October 5  
of Each School Year 2005 through 2010**



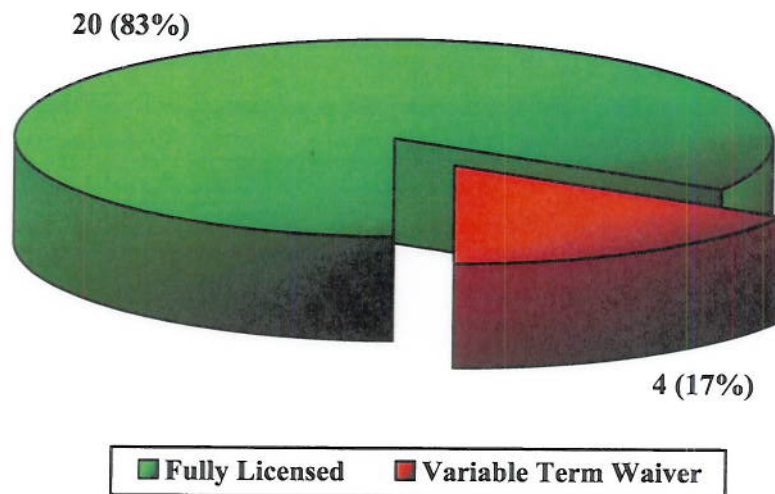
**LACOE Hires January through December 2009**





As is the case nationwide, LACOE has experienced a shortage of Speech and Language Pathologists over the years. As a result, the Office contracted for service with various agencies in order to ensure that students continued to be served, in spite of this shortage. Utilizing personnel from contracted agencies is very costly at a time when resources are scarce. Over the past 12 months, HRS has successfully partnered with DSE, hiring 24 Speech Pathologists, thereby reducing the number of outside agency personnel significantly. Of that total, 20 were fully licensed and the remaining 4 are serving our students with a variable term waiver.

### LACOE Speech Language Pathologist Hires January through December 2009



### RECRUITMENT, SELECTION, AND PROCESSING

The following strategies will *continue* to be utilized in order to recruit, select, and process high caliber teachers for LACOE:

- Using *EDJOIN* as the County's online application.
- Posting of the annual recruitment calendar on the HRS web site to attract potential candidates (attached).
- Participating in local career fairs and university functions on an ongoing basis.
- Using structured interviews for prospective teachers that are aligned with the *California Standards for the Teaching Profession* recently revised by the CTC.
- Using promotional materials at recruitment events in order to attract prospective teachers.

- Collaborating with the District Intern and BTSA Programs in order to hire from the various communities within the County.
- Meeting with Divisions to ensure a high level of coordination with respect to staffing.
- Monitoring of all credentials, including compliance with NCLB and EL requirements.
- Communicating with principals continually to discuss the status of positions.
- Rapidly notifying principals when a position is accepted by an applicant.
- Implementing extended hours in HRS to process new hires during peak times.
- Using PR TRAX in order to track the status of candidates in the employment process.
- Tracking of all new hires on an ongoing basis.
- Using electronic vacancy reports.
- Emphasizing customer service in order to ensure that candidates are well treated throughout the employment process thereby creating *raving fans*.
- Processing returning teachers in acute shortage areas by April for the next academic year in order to ensure that they do not leave LACOE due to unnecessary delays.

#### **Recent Innovations:**

- Using Premier Contracts in acute shortage areas to secure fully credentialed/licensed candidates many months before the assignment begins.
- Instituting LACOE's first Intern Fair, incorporating the District Intern Program as well as key universities, to enable teachers to select an appropriate program.
- Collaborating with ETN to use video conferencing for applicants when face-to-face interviews are not possible.
- Developing a recruitment database to track and provide access to prospective candidates for employment on a consistent basis.
- Launching an extensive advertising campaign which utilizes technology to attract qualified candidates and further distinguish the Los Angeles County Office of Education as the employer of choice.
- Involving school administrators and site decision-making team representatives in the HRS initial screening interviews.
- Implementing a performance or demonstration interview for prospective teachers to ensure that they possess the requisite skills to work with LACOE's unique population.
- Collaborating with agencies such as the John Tracy Clinic for the deaf and hard of hearing to recruit prospective teachers.
- Utilizing a new booth display and redesigned materials at all recruitment events.
- Expanding ongoing recruitment efforts to maximize exposure and enhance existing partnerships, thereby significantly increasing the outreach efforts.
- Establishing a computerized tracking system to analyze which events are most successful for LACOE in order to maximize resources.

Clearly what is being implemented is a set of rigorous recruitment strategies which target a diverse, capable teacher workforce. In order to accomplish this, HRS will need to continue



to effectively utilize technology, interview and assess each person's capabilities, and simplify the employment process. The latter is critical since, if only the most tenacious can cope with the employment process, clearly the best candidates will work elsewhere. Lastly, customer service has to create *raving fans* that are complimentary of LACOE's service and share this message with others which will facilitate future new hires.

In *A Possible Dream: Retaining California Teachers So All Students Learn*, Ken Futernick notes that "If California hopes to close the achievement gap between poor students and those from more resource-rich schools and families, it will need to solve its teacher shortage and reduce the high rates of teacher turnover, especially in high poverty schools."

Retention of these capable teachers plays an essential role in improving achievement. Futernick finds that teachers who stay indicate that "they have a supportive principal and a sense of belonging to a team. They are empowered with decision-making authority and enjoy close professional relationships on the job. They work in an environment that allows them to make a difference in students' lives." The administrator at each site plays a pivotal role, as do the mentors who guide and assist these newest members of the LACOE workforce. Thus, this is a collective effort that involves the entire organization in order to ensure that new hires are provided with an environment that nurtures and supports them as they gain experience and expertise.

In order to provide support for LACOE's newly-hired teachers, HRS has recently formed a partnership with the UCLA Extension Department to provide a new teacher orientation program. The seminars are designed to provide face time with the participants, but the majority of the learning is conducted online, given the challenges of geography in the County. Currently, 26 teachers from JCS and DSE are enrolled in this first series of workshops. The sessions focus on emotional and behavioral disorders (EBD), academic strategies for students with EBD, literacy development, and culturally inclusive instruction for all students. This project is funded by both Title I and Title II monies. The goal of this program is to provide new teachers with the necessary skills to ensure their success, while providing an essential network with other LACOE educators.

## CONCLUSION

The Center for the Future of Teaching and Learning indicates that hiring teachers should involve staff in the selection process, provide clear expectations, and require demonstration lessons. This is precisely what has occurred at LACOE. HRS has implemented systemic change that has yielded dramatic outcomes in terms of teacher quality. Additionally, the newly-implemented teacher training program promises to enhance the retention of these carefully selected employees in order to improve student achievement as well as maximize the limited resources available. It will be a collective effort to sustain these efforts and elevate them to the next level at LACOE.

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## LACOE Certificated Recruitment Events 2009-2010

Email Jesus Corral at: [Corral\\_Jesus@laoe.edu](mailto:Corral_Jesus@laoe.edu)

Phone: 562-940-1714

DATE	EVENT	LOCATION	TIME	Recruiter
08/18/2009	2009 Speech Pathology Boot Camp	CSU Northridge 18111 Nordhoff Street Northridge, CA 91330	4-6 pm	Jesus Corral
09/2/2009	Public/Non-Profit Career Fair	USC Von KleinSmid Center Courtyard 3601 Trousdale Parkway Los Angeles, CA 90089	10:30-3 pm	Jesus Corral
09/24/2009	USC Fall 2009 Career Fair	USC Campus 3601 Trousdale Parkway Los Angeles, CA 90089	10-2:30 pm	Jesus Corral
10/1/2009	Education Night 2009	CSU Fullerton Titan Student Union 800 N. State College Blvd. Fullerton, CA 92834 Fullerton, CA 92831	4-7 pm	Jesus Corral
10/13/2009	UCLA Job for Bruins Fair	UCLA Ackerman Ballroom 308 Westwood Plaza Los Angeles, California 90024 Westwood, CA 90024	11-3 pm	Jesus Corral
10/15/2009	Fall 2009 Career Day	Cal Poly Pomona 3801 West Temple Ave. University Quad Pomona, CA 91768	10-3 pm	Jesus Corral
10/21/2009	Fall 2009 Job & Internship Fair	CSU Dominguez Hills Loker Student Union Ballroom 1000 Victoria Ave. Carson, CA 90747	11-3 pm	Jesus Corral
10/22/2009	Fall 2009 Career Job Fair	CSU Los Angeles Main Walkway 5151 State University Drive Los Angeles, CA 90032	10-2 pm	Jesus Corral
11/19/09-11/21/09	ASHA's 2009 Annual Convention	Ernest N. Morial Convention Center 900 Convention Center Boulevard New Orleans, LA 70130	9-5 pm	Jesus Corral
01/30/2010	Education Job Fair	CSU San Bernardino Coussoulis Arena 5500 University Parkway San Bernardino, CA 92407	9-1 pm	Jesus Corral

\*\*\*More events and dates will be added as they become available\*\*\*

To view the most current Recruitment Calendar, please visit:

[http://www.laoe.edu/includes/templates/document\\_frame.cfm?toURL=documents&id=6019](http://www.laoe.edu/includes/templates/document_frame.cfm?toURL=documents&id=6019)



DATE	EVENT	LOCATION	TIME	Recruiter
02/03/2010	Education Recruitment Fair	CSU Bakersfield Student Union 9001 Stockdale Hwy. Bakersfield, CA 93311	3-6 pm	Jesus Corral
03/03/2010	UC Riverside Teacher Job Fair	UC Riverside University Extension Center 900 University Ave. Riverside, CA 92521	4-7 pm	Jesus Corral
03/10/2010- 03/13/2010	35 <sup>th</sup> Annual CABE Conference	San Jose McEnery Convention Center 150 W. San Carlos St. San Jose, CA, 95110	9-6 pm	Jesus Corral
03/29/2010	Teacher Job Fair	CSU Fullerton Titan Student Union 800 N. State College Blvd. Fullerton, CA 92831	1-4 pm	Jesus Corral Mary Skratulia
04/06/2010- 04/07/2010	Oregon Professional Educator Fair	Oregon Convention Center 777 NE Martin Luther King, Jr. Blvd. Portland, OR 97232	9-4 pm	Jesus Corral
04/15/2010- 04/18/2010	CSHA 2010 Annual State Convention	Monterey Marriott At Fisherman's Wharf 350 Calle Principal Monterey, CA 93940	TBD	Jesus Corral
04/24/2010	CAEE Southern California Teacher Recruitment Fair	National University 3390 Harbor Blvd Costa Mesa, CA 92626	9-12 pm	Jesus Corral
04/28/2010	2010 Education Expo	CSU Northridge Grand Salon, University Student Union 18111 Nordhoff Street Northridge, CA 91330	12-4 pm	Jesus Corral
05/01/2010	CAEE Northern California Recruitment Fair	Fallon Middle School 3601 Kohnen Way Dublin, CA 94568	9-12 pm	Jesus Corral
05/06/2010	Careers in Education, Non-Profit & Social Service	Cal Poly Pomona 3801 West Temple Ave. Bronco Student Center Pomona, CA 91768	2-6 pm	Jesus Corral

\*\*\*More events and dates will be added as they become available\*\*\*

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[http://www.lacoe.edu/includes/templates/document\\_frame.cfm?toURL=documents&id=6019](http://www.lacoe.edu/includes/templates/document_frame.cfm?toURL=documents&id=6019)



**Los Angeles County Office of Education**

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# PROGRESSIVE DISCIPLINE

PRESENTED BY JAN TAYLOR, COORDINATOR  
LABOR RELATIONS  
HUMAN RESOURCE SERVICES

SPRING 2006  
LATEST REVISION JANUARY 2010



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- 3. ATTENDANCE TRACKING**
- 4. FAMILIARITY WITH THE BARGAINING UNIT AGREEMENTS**
- 5. LABOR RELATIONS IS HERE TO SUPPORT YOU**

**DISCIPLINARY ACTION CHECKLIST**

- 1. GATHER ALL OF THE FACTS INCLUDING THE EMPLOYEE'S INFORMATION ABOUT THE INCIDENT**
- 2. IF THE INFORMATION YOU GATHER CAN LEAD TO DISCIPLINARY ACTION, THE EMPLOYEE IS ENTITLED TO REPRESENTATION**
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  - c. Letter of Reprimand**
  - d. Unsatisfactory Evaluation**
  - e. Suspension Without Pay**
  - f. Dismissal**
- 7. USE THE F.R.I.S.K. MODEL FOR DOCUMENTATION TO THE EMPLOYEE**
  - a. Facts**
  - b. Rule**
  - c. Impact**
  - d. Suggestions/Directives**
  - e. Knowledge**



# **Documentation and File Building and Progressive Discipline**

## **Documentation and File Building**

- In order to prevail at a hearing, the public employer must carefully and thoroughly document the employee's misconduct and deficiencies
  - Immediate supervisor's role
    - Evaluate and recommend (FRISK)
    - Prepare documents to be used as evidence in court
- What is documentation and file building?
  - Convincing evidence in support of charges
  - Must be part of employee's personnel file
- Documentation that shows proof of charges for the purpose of discipline must come from the employee's personnel file
- Developing the record, which ordinarily will take months and sometimes even years, is commonly referred to as documentation and file building

## **Progressive Discipline**

- Progressive discipline is a process of successive stages calling for more serious discipline measures at each stage
  - Informal conferences and oral reprimands
  - Written warnings and reprimands
  - Evaluative conferences documented in conference summaries
  - Unsatisfactory written evaluations
  - Termination of employment
- The goal of the progressive approach is not only to record an employee's weaknesses, but also to assist in bringing performance up to a satisfactory level
- Informal conference
  - Oral reprimand at first sign of misconduct or job performance deficiency
  - Supervisor's duty to put employee on notice and advise on the level of expectations
  - Document the meeting in a written conference summary

- Written warning and reprimand
  - When employee continues to break the rules
  - When employee falls short of job standards
    - Supervisor's duty to formally document
    - Memorandum of warning
    - Memorandum of reprimand
    - Recommendation is on OEIR (Ongoing Employee Information Report), providing proof the employee was noticed and received a copy
- Conferences, directives and further reprimands are proof that possible serious disciplinary action will follow
  - Confer more frequently
  - Discuss the shortcomings and provide specific directions for improvement
  - Always summarize in writing
  - File in the official personnel file
  - Site file is not official
  - Throughout this stage, the evaluator will continue to document the employee's deficiencies or misconduct
- Unsatisfactory evaluation
  - Employee's deficiencies are already well documented in the file
  - Employee has been put on notice and given specific directions to improve
    - Subjective judgment, based upon all relevant circumstances and factual documentation
- Dismissal proceeding
  - Documentation and file building process is now complete
  - Time is ripe to commence formal discharge proceedings
  - The burden of proving the charges falls upon the employer
  - Evidence to prove the charges and support the employer's proposed action must derive from the personnel file
- The success or failure of management at the hearing is very much dependent upon the documentation and file building done by the evaluator



## Personnel Files

- Written materials which are to be used to support a disciplinary action should, as a matter of routine, be maintained in the employee's personnel file
  - Documentation and information from the site file may be incorporated into an OEIR and placed in the personnel file
  - Work product review
  - Summary conferences may have references to information in the site file; therefore, should be included, if referenced in the conference summary, and attached
- Disciplinary writings are usually prepared by the immediate supervisor
  - Information given by someone other than the supervisor can be done in memo form to the supervisor, in writing, and the supervisor can conference and then do a conference summary on the issue
- It is the supervisor's duty to do an investigation of any outside complaints against an employee
  - Make sure that the following collective bargaining agreement articles are followed
    - Article VIII of the LACEA Agreement
    - Article VIII of the SEIU Agreement
    - Article VIII of the CSEA Agreement
  - See if the report has merit
  - See that the appropriate remedial and disciplinary action is taken
- From LACEA, Article VIII, Section L - Public Complaint

".... if the information is received from a member of the public, the unit member shall be provided, except in compelling circumstances, written or oral notice of same, an opportunity to discuss the contents of the information, to review any verification of the allegation and, if appropriate, to resolve the matter with the complaining party, together with the immediate administrator. Unless such complaint has been reduced to writing, no disciplinary action on that complaint may be taken."

## **Investigation and Documentation of Evidence**

- The development and preservation of evidence is important for success in employee discipline
  - Management has the burden of proof in disciplinary hearings
  - Management must gather the evidence
    - Interviewing witnesses
    - Preparing statements
    - Combing through files
    - Organizing papers
    - Taking photographs
    - Preparing memoranda and other documents
- Some common types of evidence that can be gathered by management
  - Business records
    - If a record is regularly kept by an employer in the conduct of its business, the document becomes an official record and is admissible in a hearing for the purpose of proving facts set forth in the document
  - Payroll reports
  - Personnel actions
  - Attendance records
- Complaints
  - Make sure complaints are written, signed, and dated. The employee should receive a copy and be asked to respond by a certain date or within five to ten days. The response, if any, should be attached to the complaint
- Recorded testimony
  - If a tape-recorder is used, a typed verbatim transcript should be prepared and signed by the person interviewed
- Witness statements
  - Witness records the entire event in his/her own handwriting immediately after the event
  - For those who have difficulty expressing themselves in writing, the person may dictate his statement, and then sign and date the typed document
  - It is necessary to compile in written format the statement of a witness as told to management
    - The objective is to have a written record of important events and, therefore, avoid reliance on recollection by witnesses
    - Get the witness to sign the document as being true and correct as soon as it is prepared



- Photographs
  - Can show poor workmanship, lack of cleanliness
    - One method of preserving photographs is to have the photographer sign and date the back of each picture
- Examples of poor work
  - Letters, reports, clerical errors, calculation errors
- Communications to employees
  - All bulletins, posted notices, employee handbooks, etc., used to communicate rules, regulations, and directives to employees must be preserved
  - Management may have to prove that the rule, regulation or directive was communicated to the employee
- It is the responsibility of management to investigate and document facts, which may be used to support a future decision to discipline an employee

# MULTI-STEP NOTICE TEMPLATE

## CLASSIFIED PERSONNEL PERFORMANCE NOTICE

Employee Name \_\_\_\_\_ Date \_\_\_\_\_  
Site/Position \_\_\_\_\_  
From \_\_\_\_\_ Title \_\_\_\_\_

This notice is intended to inform you that your performance or conduct has not been satisfactory and the following action is being taken.

Conference Report ☐ Disciplinary Warning ☐ Formal Reprimand ☐

**F** On \_\_\_/\_\_\_/\_\_\_ At Approx. \_\_\_\_\_ At (Location) \_\_\_\_\_  
you were observed/reported by \_\_\_\_\_ title \_\_\_\_\_  
to have engaged in the following conduct:

**R** This constitutes \_\_\_\_\_  
in violation of \_\_\_\_\_

You previously violated this \_\_\_\_\_ on \_\_\_\_\_.

**I** Your conduct negatively impacted \_\_\_\_\_  
inasmuch as \_\_\_\_\_.

**S** Effective this date you are directed to stop this conduct. Failure to do so will  
result in \_\_\_\_\_.

To assist in correcting this conduct I offer the following suggestions:

**K** A copy of this letter will be placed in your personnel file after \_\_\_ days. You  
may prepare a response which will be attached to this document.



# SAMPLE FRISK WORKSHEET

Use this worksheet to outline the content of the FRISK document as a pre-writing activity.

COMPONENTS	NOTES
<p><b>FACTS</b></p> <p>"What did the employee do?"</p> <ul style="list-style-type: none"> <li>• Be specific</li> <li>• Be explicit</li> <li>• Be accurate</li> </ul> <p>pp. 9-18</p>	
<p><b>RULE</b></p> <p>"What should the employee have done?"</p> <p>Include the standard, authority or mandate that the employee is expected to follow.</p> <p>pp. 36-44</p>	
<p><b>IMPACT</b></p> <p>"What is the negative impact or possible impact of the employee's conduct on the district or school or student, etc.?"</p> <p>pp. 47-56</p>	
<p><b>SUGGESTIONS/DIRECTIVES</b></p> <p>"What do you want the employee to do to improve the deficient performance?"</p> <ul style="list-style-type: none"> <li>• Give clear and unequivocal direction, timelines, consequences</li> <li>• <u>and</u> Give suggestions to assist</li> </ul> <p>pp. 60-67</p>	
<p><b>KNOWLEDGE</b></p> <p>"Does the employee have knowledge of the document and the right to respond?"</p> <ul style="list-style-type: none"> <li>• Specify date for response</li> </ul> <p>pp. 72-80</p>	

## SAMPLE END STATEMENT FOR PERSONNEL FILE DOCUMENTATION

In order to support you in this effort, I will meet with you every other week, or more often at your request, to discuss how you are progressing.

Your failure to comply with the above may result in further disciplinary action, up to and including termination.

You have five (for management)/ten (for classified and certificated) working days to provide a written rebuttal to this document. At the end of that time, a copy of this document along with any rebuttal you may provide will be placed in your personnel file. Your signature on this report does not necessarily mean that you agree with the content, but merely indicates that you have read the report and have been given an opportunity for discussion and to attach comment. Information on this report may be used for evaluation purposes. Your rights of response to this report are in accordance with appropriate Agreement or Board Policy.

---

Employee's Name

Date

---

Supervisor's Name

Date





**Los Angeles County Office of Education**

Leading Educators ▪ Supporting Students ▪ Serving Communities

EXCERPTS FROM MANUAL ON  
**PROGRESSIVE  
DISCIPLINE**

AS PRESENTED BY:  
HUMAN RESOURCE SERVICES

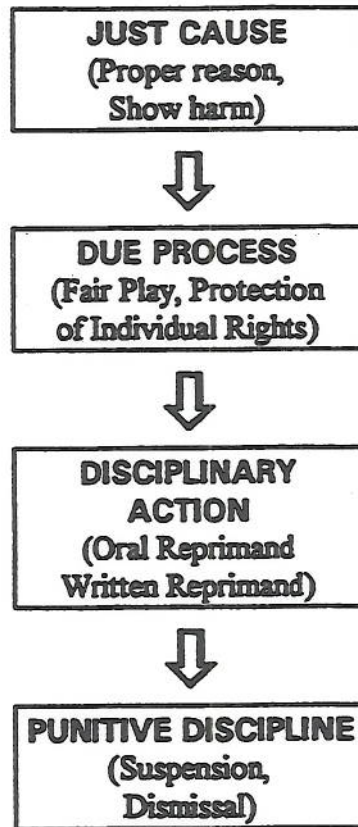
# **Table of Contents**

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# *Progressive Discipline*



Any disciplinary action must be designed to be corrective rather than punitive. It is to encourage self-discipline. Corrective discipline is to correct unacceptable behavior and to promote and maintain maximum level of acceptable behavior. Steps taken in corrective discipline must be progressive in nature. If they did not have knowledge of the rules, then they cannot be held responsible for violating the rules. It requires **JUST CAUSE** and **DUE PROCESS**.

**Just cause:** Having a proper reason to take disciplinary action.

**Due process:** the implementation of a procedure, which when adhered to guarantee the protection of individual rights.

# *Steps In Progressive Discipline*

- 1) **Oral Reprimand / Warning:** This follows the investigation of the problem and the failure of counseling to solve it. The purpose is to document that a disciplinary action has been taken without tarnishing the employee's record in the official personnel file.
- 2) **Written Reprimand / Warning:** The document must contain what happened, what is the reason for the reprimand, what is expected, and what will take place if it is not corrected or if such incidents arise in the future. The administrator should be specific, to the point, and explicit but avoid moralizing, philosophizing, rationalizing, and flowery, "educationalese" language.
- 3) **Suspension with Pay:** Suspension or disciplinary time off is considered as a very serious disciplinary action. The amount of time off is a short period, usually one day.
- 4) **Suspension without Pay:** Requires a Board of Education hearing prior to action because it is interpreted as demotion. The period of time off without pay should be determined by the severity of the particular situation. Such duration should not exceed one week. Often, they are for 2 to 3 days.
- 5) **Dismissal:** Final step. Termination or dismissal. Punitive disciplinary action. It is the final resolution to a problem and could prevent similar behavior on the part of other staff members. This process must be accomplished by official action of the Board of Education and must be within the legal framework.



# *The Skelly Doctrine*

"Procedural due process" is the right of a permanent public employee to be afforded certain "preremoval safeguards" before punitive (disciplinary) action is taken.

In a landmark decision, *Skelly v. State Personnel Board*, the California Supreme Court held that a "permanent" (nonprobationary) public employee who may only be discharged for "cause" has "a property interest in the continuation of his employment which is protected by due process." The US and CA constitutions prohibit the state from taking property "without due process of law."

"Permanent employee" means an employee who has permanent status. "Permanent status" means the status of an employee who is lawfully retained in his position after the completion of the probationary period provided in this part and by board rule. (Government Code 18528)

*Skelly* procedural due process rights are applicable to all public employees who have a constitutionally protected property interest in their employment, that is, employees who may only be discharged for "cause."

The California courts have held that all public employees are protected by procedural due process rights if they have a constitutionally protected property interest in their employment.

A probationary or nontenured employee is usually not entitled to *Skelly* safeguards because such an employee normally may be discharged without a showing of "cause" and thus does not have a property interest in continued employment. However, a probationary employee must be afforded predisciplinary notice and an opportunity to be heard if termination from employment would deprive the employee of a "liberty interest" protected by the due process clauses of both the US and state constitutions. A liberty interest is affected if a job termination is based on charges that would "stigmatize" the employee's reputation so as to impair seriously his opportunity to earn a living or to damage his standing in the community.

As for probationary employees, in order to avoid disputes as to whether a "liberty interest" has been violated, and in the interest of fair and equitable treatment, it may be appropriate to accord preremoval safeguards to probationary as well as permanent employees.

According to preremoval safeguards to probationary employees need not affect the ability of the employer to use the probationary period to determine an employee's suitability for the job or to provide that probationary employees have a more limited right of appeal of disciplinary/discharge action. The agreement could specify the length of the probationary period, indicate that its purpose is to demonstrate an employee's suitability for the job, and, to limit the ground for appeals, provide that probationary employees may not be disciplined or discharged for reasons which are arbitrary, and/or capricious, and/or discriminatory.



# *Test Of Due Process*

1. Rule, conduct, procedure **KNOWN**
  - responsible
  - related to efficient, orderly operation of school
2. Expected behavior known
  - consequences - non-compliance
  - no written without oral
3. Fair and objective investigation
  - circumstances and facts
  - prior to disciplinary action
  - clear violation
  - no hearsay
  - no assumptions, opinions
  - no suppositions
4. Data, documentation to substantiate
  - no substitute for documentation
  - key - documentation
5. Is proposed action reasonable?
  - action taken consistent in degree with seriousness of offense
  - key - reasonable
6. History of behavior
  - past record considered
  - consistency in application
  - key - consistent

## *Just Cause - Due Process ✓List*

When any suggestions are provided or corrective action is taken with an employee, the administrator should be able to answer the questions below with "yes."

- ☐ Was the statute, rule, order, policy, regulation, or expected conduct known to the employee?
- ☐ Does the rule, order, policy, regulation, or expected conduct relate to efficient and orderly operation of the school or educational program?
- ☐ Was the employee informed of expected behavior as well as unacceptable behavior?
- ☐ Was the employee informed that non-compliance with statute, rules, orders, policies or regulations could have disciplinary consequences?
- ☐ Was there a fair and objective investigation of the circumstances and facts prior to any disciplinary action?
- ☐ Was the employee allowed to be heard and explain his actions prior to any disciplinary action?
- ☐ Was there in fact a clear violation, disobedient act or disregard of common judgment?
- ☐ Is there specific data, documentation and other information that exists to substantiate and verify the situation?
- ☐ Does the disciplinary action taken reflect a degree that is consistent with the seriousness and nature of the offense?
- ☐ Was the disciplinary action taken consistent with the treatment of others in a similar situation including the employee's previous record?
- ☐ Has available assistance been provided to help the employee succeed or correct unacceptable behavior?
- ☐ Has an attitude of "help and assist" rather than vendetta to "get rid" prevailed?
- ☐ Were all proper and timely procedures followed?

Notes

## *Documentation ✓List*

Documentation is the single most significant element in due process and progressive discipline. When preparing your documentation, it may be helpful to review the following checklist to ensure completeness and accuracy.

- ☐ Did you record the information promptly while your memory was still fresh?
- ☐ Have you indicated the day (day, date, year) time and location of the incident(s) documented?
- ☐ Did you accurately describe in objective language the action taken or the behavior exhibited?
- ☐ Did you indicate the person(s) and/or work products involved?
- ☐ Have you listed the specific performance standard violated and exceeded?  
and/or
- ☐ Have you indicated specific policies, rules, or regulations violated or surpassed?
- ☐ Did you record the consequences of the action or behavior on the employee?
- ☐ If you have recorded an impression, did you indicate it as an impression and why you were concerned?
- ☐ Did you indicate your response to the action or behavior?
- ☐ Did you indicate the employee's reaction to your efforts to modify his/her behavior?

Notes



# ***Plan Of Assistance For Improving Employee Performance***

In situations where the normal cycle will not solve performance weaknesses, a different approach is needed. If goal setting and/or discussion has not resolved the problem, a written plan must be developed. Such a plan is often referred to as a ***Plan Of Assistance For Improving Employee Performance***.

Employees whose performance is acceptable on an overall basis may actually have certain areas of performance below the minimum acceptable standard. Since the goal of evaluation is to obtain continued improvement on the part of the employee, an employee at this performance level may need to be placed on what is called a ***Performance Improvement Plan***.

## **Performance Improvement Plan**

The plan consists of four sections: (1) a description of the areas for which improvement is needed; (2) a plan to be followed for the employee to achieve satisfactory performance; (3) monitoring system, including resources to support and assist in achieving satisfactory performance; and (4) the criteria, standards or objectives necessary to be met by the employee in order to achieve satisfactory performance, including when the plan will be completed.

The plan clearly explains what rules, regulations, or policies have been violated. It also explains what the employee is expected to do to overcome the concerns identified in the plan. Specific activities to be pursued by the employee are delineated. The evaluator is to be cautioned to be reasonable in the expectations of the employee. Realistic, achievable activities need to be selected.

The plan includes a monitoring system, which explains how progress on the plan is going to be measured and what assistance will be offered to the employee while the plan is in effect. The pattern of observations and conferences to be held during the plan should be included, as well as any timelines when appropriate.

# ***Permanent & Probationary Certificated Employees***

## **Permanent Certificated Employees:**

- Employee must receive written notice of disciplinary action at least 90 days prior to date of filing.
- Prior notice for misconduct requires only a 45 day prior notice.
- With the notice, the employee must receive a formal evaluation.
- After notice is given, the employee should be put on a "performance improvement plan".
- Weekly observations of the employee must occur.
- Notice of Intention to Dismiss can't be served between May 15 and September 15.
- Once served, the employee has 30 days to ask for a hearing.
- The hearing must commence within 60 days of the request for hearing.

## **Probationary Certificated Employees:**

- May be dismissed during the school year, subject to 30 days prior written notice.
- Notice in the 2nd year must be given no later than March 15.
- 30 day notice must be given by Superintendent without board action.
- After receipt by the employee, s/he has 15 days to request a hearing.
- Dismissal is effective 30 days from date of notice whether a hearing is requested or not.



# BOARD POLICIES



## **LACOE BOARD POLICIES**

### **4000 Series**

#### **Dismissal, Suspension, or Demotion for Cause**

#### **4020 Dismissal, Suspension, or Demotion for Cause – all employees**

The Superintendent intends that the due process and progressive discipline rights of affected employees be safeguarded when dismissal, suspension, or demotion for cause is being contemplated or effected.

#### **LEGAL REFERENCES: Education Code**

- 44932 Grounds for dismissal,
- 44933 Other grounds for dismissal or suspension,
- 44934 Charges and notice of intention to dismiss  
or suspend,
- 44936 Service of notice and attachments,
- 44938 Unprofessional conduct or unsatisfactory  
performance,
- 44939 Immediate suspension,
- 44948 Dismissal or suspension of probationary  
employees,
- 45116 Notice of disciplinary action,
- 45302 Demotion and removal from permanent  
classified service,
- 45303 Additional causes for suspension or  
dismissal of employees in classified  
service,
- 45304 Suspension for reasonable cause; filing of  
charges; employee charged with mandatory  
or optional leave of absence offense,
- 45305 Appeal by employee from suspension,  
demotion or dismissal,
- 45306 Investigation and hearing on appeal,
- 45307 Reinstatement and employee compensation

**CROSS REFERENCE: Personnel Commission Rule 4250.5**

## **4118 Dismissal – Certificated Personnel**

No permanent certificated employee shall be dismissed except for one or more of the following causes.:

**A. Immoral or unprofessional conduct, examples may include:**

1. Insubordination including, but not limited to, refusal to perform reasonably assigned work or any other serious breach of discipline.
2. Discourteous, offensive or abusive conduct toward other employees, pupils, or the public.
3. Misuse or theft, destruction or mishandling of Office property or property of employees.
4. Offering anything of value or any service to another Office employee in exchange for special treatment in connection with the employee's job or employment; or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
5. Possession of opened alcoholic beverage containers, drinking alcoholic beverages, or being intoxicated while on the job, or unauthorized use of narcotics or habit-forming drugs not prescribed by a licensed physician.
6. Engaging in unassigned political activities or personal activities during assigned hours of employment.
7. Repeated or unexcused absence or tardiness after warning.
8. Any willful failure of good conduct tending to injure the public service or its reputation with particular regard to students.
9. Abandonment of position, which shall be interpreted to mean an absence without leave having been requested and granted in excess of three days, except in case of dire emergency.
10. Refusal to accept changes in assignment, working hours, or work location provided that such changes were made in accordance with Office rules and regulations.

**B. Commission, aiding, or advocating the commission of acts of criminal syndicalism.**

**C. Dishonesty, including:**

1. Abuse of leave privileges.
2. Knowingly falsifying any information supplied to the Office including, but not limited to, information supplied on application forms, employment records and other records.



- D. Incompetency, including below standard work performance, a pattern of inefficiency, or continued negligence in the performance of assigned duties.
- E. Evident unfitness for service, including physical or mental unfitness.
- F. Physical or mental condition unfitting the employee to instruct or associate with children.
- G. Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the County Board of Education, including:
  - 1. Persistent violation of or refusal to obey safety rules or other procedures applicable to the Office.
  - 2. Willful or persistent violation of Office rules and regulations or adopted and implemented procedures of a division or department when such procedures are made known to the employee in writing.
- H. Conviction of a felony or of any crime involving moral turpitude, including, conviction of a sex offense as defined in Education Code Section 44010 or a narcotics offense as defined in Education Code Section 44011. Section 1028 of the Government Code.
- J. Knowing membership by the employee in any organization which advocates the overthrow of federal, state or local government by force, violence or other unlawful means as defined in Section 1028 of the Government Code.
- K. Alcoholism or other drug abuse which makes the employee unfit to instruct or associate with children.

**LEGAL REFERENCES: Education Code**

44932 Grounds for dismissal,

44933 Other grounds for dismissal (and other sections noted within the policy)



## **4312 Disciplinary Action – Management Personnel**

Certificated management employees of the Office serve at the pleasure of the Superintendent and achieve no permanency in their position.

Appointments to certificated management positions are for one year. The Office has determined as a matter of policy that certificated management employees may be subject to removal from any given annual appointment during the year as a disciplinary measure for one or more of the causes listed in policy 4118.

Disciplinary Action

## Suspension of Management Personnel

The following notice and procedural due process steps shall apply in the suspension of certificated management personnel.

## A. One (1) Day Suspension

A certificated management employee may be suspended with pay by the immediate administrator, designee, or appropriate line manager for up to twenty-four (24) hours. The immediate administrator may not impose such suspension until having orally informed the employee of the reason for the suspension. The Assistant Superintendent, Human Resource Services or designee, the appropriate division director and the Cabinet-level administrator shall immediately be notified of the suspension.

## B. Three (3) Day Suspension

A certificated management employee may be suspended with or without pay by the division director, with oral notification to the appropriate Cabinet-level administrator, for up to three (3) working days exclusive of the initial twenty-four (24) hour period. Prior to such suspension, the employee shall be notified by the Assistant Superintendent, Human Resource Services or designee, in writing, of the causes for the suspension.

## C. Thirty (30) Day Suspension

A certificated management employee may be suspended without compensation and/or benefits by a Cabinet-level administrator for up to thirty (30) working days, exclusive of days of suspension with pay. Prior to such suspension, the employee shall be notified by the Assistant Superintendent of Human Resource Services or designee, in writing, of the causes for the suspension and the right to a conference with the Superintendent.

## D. Emergency Suspension Pending Dismissal

Upon the formulation of a written statement of any of the charges listed in LACOE Board policy 4118, the Superintendent may immediately suspend an employee with or without pay by giving written notice of the charges and of the fact that thirty (30) days after service of

Disciplinary Action (continued)

the notice the employee will be dismissed unless s/he requests a conference with the Superintendent.

For all suspensions with pay, the employee shall receive a written statement of the specific reasons for the suspension, copies of documents relied on in making the decision to suspend, and a statement of the employee's right to a conference with the Superintendent.

Midyear Dismissal of Managers

No certificated manager shall be dismissed during a contract year except for one or more of the causes listed in policy 4118.

The following notice and procedural due process steps shall apply in the dismissal of certificated managers.

A. Notice of Proposed Action

The initiating administrator shall give the certificated manager written notice of his or her intention to recommend dismissal and the reasons therefore.

B. Notice of Intent to Dismiss

Prior to formal dismissal action, the certificated manager shall be notified by the Director, Human Resource Services or designee of the intention to recommend to the Superintendent that dismissal action be approved on a date specified in the notice, which date shall be not less than thirty (30) calendar days from the date of receipt of such notice.

Date of receipt shall be five (5) days after the postmarked date on the notice sent by certified mail.

The notice of intent to dismiss shall contain:

1. A statement of the specific acts and/or omissions of the employee that have resulted in the disciplinary action, or the specific policies and/or regulations violated by the employee, and relevant cause(s) for disciplinary action.
2. Copies of the documents relied on in the preparation of the disciplinary action.
3. A statement of the employee's right to a predisciplinary conference with the immediate



Disciplinary Action (continued)

administrator within five (5) working days of the date of receipt of the notice, to respond to the reasons for the proposed action.

4. A statement of the employee's right to a predisciplinary conference with the Superintendent at least fifteen (15) working days prior to the date of dismissal specified in the notice.

The notification requirement shall be deemed to have been complied with if a copy of the notice is deposited in the United States Post Office, addressed to the employee at the last known mailing address on file in the employee's official personnel folder.

For purposes of this policy, if a notice is mailed, the postmarked date on the notice shall be the official date of notification. Five (5) calendar days after the postmarked date shall be the official date of receipt.

C. Predisciplinary Conferences

1. Conference with Immediate Administrator

If the certificated manager requests a conference with the administrator who initiated the dismissal action, the administrator shall fix a time to meet with the employee within five (5) working days from the date the request is made.

Both the immediate administrator and the employee may have representatives present at the conference.

2. Conference with the Superintendent or Designee

If the certificated manager requests a conference with the Superintendent, the Superintendent or designee shall fix a time to meet with the employee. The meeting shall be scheduled within a reasonable length of time from the date the employee requests the meeting, but no sooner than five (5) working days from the date on which the employee received the notice of dismissal and no later than fifteen (15) working days prior to the intended dismissal date.

Both the Superintendent and the employee may have representatives present at the conference. The employee need not have met with the immediate

Disciplinary Action (continued)

supervisor prior to requesting a meeting with the Superintendent.

D. Final Decision

As soon as possible after the meeting with the Superintendent or designee, and in no event later than the date of dismissal specified in the notice, the Superintendent shall render a final decision regarding the dismissal.



# PERSONNEL COMMISSION RULES



**SECTION 4250:  
RULES FOR DISCIPLINARY ACTION AND APPEAL, DISMISSAL, SUSPENSION,  
AND DEMOTION**

**4250.1** A regular classified employee shall be subject to disciplinary action only for cause as prescribed by this rule and only pursuant to the procedures outlined herein.

**REFERENCE:** 1. Education Code Section 45302.

**4250.2** **DEFINITION OF DISCIPLINE:** Disciplinary action includes any action whereby a regular classified employee is deprived of any classification or any incident of any classification, including dismissal, suspension, demotion, or any reassignment, without the employee's voluntary written consent, except a layoff for lack of work or lack of funds. A layoff or a reduction in hours for lack of work or lack of funds is not discipline.

**REFERENCE:** 1. Education Code Section 45101.

**4250.3** **TIME LIMITS ON DISCIPLINARY ACTION:** No disciplinary action shall be taken against an employee for any cause that arose prior to the employees becoming permanent, nor for any cause that arose more than two (2) years prior to the date of the Notice of Proposed Disciplinary Action unless such cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to Los Angeles County Office of Education. This does not preclude consideration of events or circumstances beyond two years for the purpose of supporting the degree of disciplinary action.

**4250.4** **PROHIBITED ACTS RELATED TO DISCIPLINE:** No employee shall be suspended, demoted, dismissed, subjected to any form of disciplinary action, sexually harassed, or in any way discriminated against because of the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disabling condition, ancestry, employee organization membership or nonmembership, and legal activities related thereto, medical condition (as defined in Government Code Section 12926), false claim action or religious or political beliefs or acts, except as legally provided in Rule 4250.5.

**REFERENCE:** Government Code Sections 12926, 12650, and 12653.

- 4250.5**      **CAUSES FOR DISCIPLINARY ACTION:**    The following causes shall be grounds for disciplinary action:
- 4250.5.1**      Incompetency.
- 4250.5.2**      Inefficiency.
- 4250.5.3**      Insubordination.
- 4250.5.4**      Inattention to or Dereliction of Duty.
- 4250.5.5**      Violation of law, regulation, policy, or established work procedure.
- 4250.5.6**      Withholding information needed for employment, insurance, or other necessary purposes.
- 4250.5.7**      Possession of opened alcoholic beverage containers, drinking, or being intoxicated while on duty and/or use or possession of illegal or dangerous drugs, while on duty, except as prescribed by a physician and not otherwise impairing behavior or ability.
- 4250.5.8**      Arrest and/or conviction for a sex or narcotics offense defined in Education Code Sections 44010 and 44011 and other statutes.
- 4250.5.9**      Engaging in political and/or personal activities during assigned hours of duty.
- 4250.5.10**      Conviction of a crime involving moral turpitude or work-related behavior.
- 4250.5.11**      Verbal or physical abuse or altercation.
- 4250.5.12**      Unexcused absence or tardiness, abuse of leave privileges, or absences without notification.
- 4250.5.13**      Abandonment of Position - Absence of three (3) consecutive working days without notification or permission (and failure to notify the office of a valid or acceptable reason for absence).
- 4250.5.14**      Failure to return to work within three (3) days or notifies the office after an authorized leave of absence except in the case of an emergency.
- 4250.5.15**      The uninsurability of an employee to drive an office vehicle when such is a requirement of the employee's position.



- 4250.5.16 Violation of local, state, or federal law that results in cancellation or suspension of a license required for the performance of assigned duties.
- 4250.5.17 Work-related dishonesty, theft, willful misuse for personal gain, willful destruction, or mishandling of office property.
- 4250.5.18 Harassment of others, including but not limited to, ethnic, racial, religious, or sexual.
- 4250.5.19 Failure to obey a work-related subpoena duly served, or refusal to furnish testimony or documents at a work-related hearing or investigation before the Commission, the Superintendent, or Board of Education.
- 4250.5.20 Advocacy of the overthrow of the federal, state, or local government by force, violence, or other unlawful means.
- 4250.5.21 Offering or accepting anything of value that creates a conflict of interest, or other act or the appearance of a conflict of interest or similar act or omission.
- 4250.5.22 Unauthorized access to creating, changing, or deleting of data or other information and/or use of same for personal or other unauthorized purposes or unauthorized release to others and/or violation of confidentiality or privacy.
- 4250.5.23 Discourteous, offensive, or abusive conduct toward others.
- 4250.5.24 Refusal to comply with shift assignments, working hours, or work locations.
- 4250.5.25 Any other work-related offense so grievous that a reasonable person would interpret as an unacceptable work behavior or action.
- 4250.5.26 Improper conduct during a selection process.
- 4250.5.27 Persistent violation or refusal to obey safety rules or other procedures made applicable to the office by the Board, or by any appropriate state or governmental agency.
- 4250.5.28 Unauthorized possession of a firearm or other weapon while on duty.
- 4250.5.29 Failure, within a reasonable time, to report injuries or damage to property that occurred while on assigned duty.



**REFERENCE:**

1. Education Code Sections 212.5, 230, 44010, 44011, 45302, 45303, 45304.
2. Government Code Section 1028.
3. Penal Code Section 261.
4. Health and Safety Code Sections 11054, 11056, 11357-11361, 11363-11364, 11377-11382.

- 4250.6 **RIGHT TO REPRESENTATION:** The employee may, at his/her option, be represented by legal counsel, union representation, or any other person designated by the employee.
- 4250.7 **PROGRESSIVE DISCIPLINE:** The application of corrective measures by increasing and progressive degrees, with actions that fit the nature of the problem, designed to motivate an employee to modify performance or conduct, and not just to force compliance through punishment. Progressive discipline may include oral and/or written counseling, oral warning, written warning, suspension, and finally termination. More serious offenses may justify imposing discipline at a higher level, skipping over initial steps.
- 4250.8 **PROGRESSIVE DISCIPLINE - SUSPENSION:** An employee may be suspended for up to thirty (30) calendar days without pay. The proposed length of suspension shall be reasonably related to the seriousness of the alleged offense.
- 4250.8.1 An alternative to a part or all of the suspension may be the employee's participation in an approved employee treatment program. Allowable reasons for participation in the employee treatment program are limited to the following causes for disciplinary action: 4250.1.5.1 - 4250.1.5.4, 4250.1.5.7, 4250.1.5.11 (except involving a student), and 4250.1.5.12. An agreement to such a program shall be in writing and stipulate sanctions if the employee does fulfill the requirements of the agreement.
- 4250.9 **IMMEDIATE SUSPENSION WITHOUT PAY:** An employee may be immediately suspended without pay if charged with the commission of any sex offense or narcotic's offense referred to in Education Code Sections 44010, 44011, and 45304; and the suspension shall continue for not more than ten (10) days after the date of the entry of the court judgment. Any employee so suspended may receive compensation as provided for in Section 45304 of the Education Code.

**REFERENCE:**

1. Education Code Sections 44010, 44011, 45302, 45303, and 45304.
2. Penal Code Section 261.
3. Health and Safety Code Sections 11054, 11056, 11357-11361, 11363-11364, 11377-11382.

**4250.10**     **IMMEDIATE SUSPENSION - WITH PAY:** For reasons of cause for disciplinary action other than those stated in 4250.1.8, if an employee presents a clear and present danger to the health, safety, and well being of the employee, students, fellow employees, or office property, the employee may be suspended immediately with pay pending the initiation and completion of disciplinary action procedures to the superintendent level. The office may end the suspension with pay to the employee or take action to suspend without pay in accordance with these rules.

**4250.11**     **DEMOTION OR DISMISSAL:** If cause exists, and employee may be subjected to other forms of disciplinary action including demotion or dismissal.

**4250.12**     **DISMISSAL OF EXEMPT CLASSIFIED EMPLOYEES:** A substitute, limited-term, provisional, or other temporary employee may be terminated at any time during his/her assignment without regard to procedures set forth in this chapter.

**REFERENCE:**

Education Code Section 45305.

**4250.13**     **BURDEN OF PROOF:** The burden of proof in all hearings and proceedings under these rules shall remain with the Los Angeles County Office of Education, and any rule, regulation, policy, practice, or procedure to the contrary shall be void.

**REFERENCE:**

Education Code Section 45113

**4250.14**     **NO DISCIPLINE WITHOUT NOTICE:** No probationary or permanent regular classified employee may be subjected to disciplinary action until the employee has received a "Notice of Proposed Disciplinary Action," and the employee has had an opportunity to respond to the charges. The exception to this rule is in the case of action taken in accordance with Rule 4250.1.9.



- 4250.15 **RIGHT TO APPEAL RECOMMENDED DISCIPLINARY ACTION:** An employee shall have the right to appeal a recommended disciplinary action to the Assistant Superintendent or a designee within a specified period of time from date of receipt of the Notice of Proposed Disciplinary Action. If the employee files an appeal, the employee shall be required to attend the preliminary appeal hearing before the Assistant Superintendent or designee, even if the employee's designated representative appears on his/her behalf. If the employee fails to appear, the employee will be deemed to have forfeited rights to further appeal at this level and the Los Angeles County Office of Education Administration may recommend action to the Superintendent.
- 4250.16 **DISCIPLINE OF PROBATIONARY EMPLOYEES:** A probationary classified employee recommended for disciplinary action, who does not have permanent status in another classification, may request an administrative review by the Assistant Superintendent or designee and such review shall be granted. The Assistant Superintendent or designee's decision is final unless the employee charges that the recommended discipline is based on the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disabling condition, ancestry, employee organization membership or nonmembership, and legal activities related thereto, medical condition (as defined in Government Code Section 12926), false claim action (Government Code 12950 & 12953) or religious or political beliefs or acts, except as legally provided in Rule 4250.5. In which case, the probationary employee may then appeal to the Personnel Commission.
- 4250.17 **PERMANENT EMPLOYEE IN PROBATIONARY PROMOTIONAL POSITION:** A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is demoted to his/her former class, may appeal the disciplinary action only pursuant to Rule 4250.15. A permanent classified employee who has not served the full probationary period for the class to which promoted, and who is subjected to disciplinary action that would result in the separation of the employee from the permanent classified service or placement in a lower class in which regular status has been previously held, shall have full appeal rights as if the employee had completed permanency in his/her present class.

4250.18

**AUTHORITY OF COMMISSION HEARING AND DECISION:** If the office imposes disciplinary action, the employee may appeal the disciplinary action to the Personnel Commission. The Personnel Commission of the Los Angeles County Office of Education shall conduct hearings of appeals to disciplinary actions. The Commission shall have the right to sustain or reject any or all of the charges filed against the employee, take action to sustain or modify or reject the disciplinary action against the employee, but not invoke more stringent discipline, or it may direct such other action as it may find necessary to effect a just settlement of the appeal, pursuant to this rule and these procedures.

**REFERENCE:** Education Code 45307.

REQUIREMENTS FOR  
REPRIMANDS



## ***Requirements Of An Official Oral Reprimand***

1. State that you are issuing an ORAL REPRIMAND or WARNING.
2. REVIEW the REQUEST or RULE or ORDER or REGULATION which is the basis for disciplinary action.
3. State the INACTION or FAILURE of the employee to COMPLY with the request.
4. Emphasize once again the EXPECTATION -- what is expected of the employee.
5. Always ask, "Is there anything I can do to HELP?"
6. Conclude with the indication that FAILURE to COMPLY will warrant FURTHER DISCIPLINARY ACTION.
7. Make a written note or anecdotal record recording DATE, TIME, and ACTION taken.

## ***Requirements Of An Official Written Reprimand***

1. The reprimand must be individually written stating specific material facts, such as DATE, TIME, PLACE, WITNESSES to, and ACTIONS of the individual(s) involved.
2. The reprimand must include a quotation of the REGULATION, RULE, CONDUCT, PROCEDURE or ORDER violated or breached.
3. The reprimand should outline all previous ORAL and WRITTEN REPRIMANDS or warnings, if any.
4. It must be explicit and to the point – prove the misconduct or offense charged by using sensory facts. Avoid making ASSUMPTIONS or using HEARSAY evidence. Tell what was SEEN, HEARD, TOUCHED, TASTED, or SMELLED. Let the concrete sensory facts tell the story to prove the case. Any case is weakened in the beginning when disciplinary action is based on more than sensory facts.
5. It must be stated that this letter constitutes a WRITTEN REPRIMAND.
6. It should state that the staff member is being given another opportunity to IMPROVE in performance, and express the hope that the staff member does so.
7. It should state that if there is no improvement, the staff member will be subject to FURTHER DISCIPLINARY ACTION. This is a critical point. The administrator must remain flexible, not stating what the further action will be.
8. The staff member must be given a copy of the latter, do not mail it.
9. Forward a copy of the letter to the Personnel Office to be included in the staff member's OFFICIAL PERSONNEL FILE.



SAMPLE WRITTEN  
REPRIMANDS

**Sample Written Reprimand**

**LEAVING WORK BEFORE QUITTING TIME**

June 5, 19\_\_

**TO:**

**FROM:**

**SUBJECT:**

I am giving you this written reprimand for your neglect of duty. You violated your Building Rules by leaving work before the end of your regular shift and, therefore, did not meet the duties required of you in your position.

On two prior occasions during the past month, Tuesday, May 20, and Thursday, May 29, 19\_\_, you left your assigned task before the end of your shift. I warned you previously that you must remain on your job and continue to perform your duties until your regular quitting time, equally with all the other employees in your building.

I reminded you of our Building rules, of which you have been given a printed copy, which provide:

Employees shall be at their appointed work stations, ready to work, at the normal starting time and shall remain at their work stations until the work day ends.

An employee shall not neglect the job duties and responsibilities nor refuse to perform assigned work.

Last Tuesday, June 3, less than a week after the previous warnings given you, I observed you, approximately fifteen minutes before quitting time of your shift, already cleaned up and prepared to leave the building. During that time prior to the end of your shift, you were not doing any work on your job tasks.

Because you failed to observe my previous warnings and you have refused to complete the duties required of your job, and to continue to perform your tasks until the regular quitting time, I am giving you this reprimand as disciplinary action. I expect that you will take this opportunity to correct in the future your neglect of duty, observe the established Building Rules and fulfill all the responsibilities of your job. Should you fail to do so, you will subject yourself to further disciplinary action.

\_\_\_\_\_  
Supervisor

cc: Personnel File

This is to verify that I have received a copy of this letter.

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Sample Written Reprimand**

**ABUSE OF WORK HOURS**

May 5, 19\_\_

TO:

FROM:

SUBJECT:

This letter constitutes in writing the particulars I discussed with you in my office this morning. The purpose of the meeting was to notify you of being reprimanded as an employee. It was explained to you that the negotiated Agreement provides the opportunity to have a representative present, your response was "no". I then proceeded to inform you of the specific reasons for the reprimand, which follows:

1. Consistently reporting late for duty.
2. Numerous and lengthy "coffee" breaks.
3. Extended lunch periods.
4. Extended periods of time spent away from your desk on non-duty matters.

The above are clear violations of our Building Rules, as well as the negotiated Agreement, which states:

(State appropriate negotiated Agreement provision if applicable)

You were warned of my concern about these matters on April 15, 19\_\_, when I verbally reviewed my expectations.

Since you have not heeded my previous warning to correct your neglect of duty, I am presenting you with this written reprimand as disciplinary action. I trust and expect you will take this opportunity to correct your neglect of duty hereafter. Should you fail to correct your abuse of breaks, lunch periods, and time-on-task, you will subject yourself to further disciplinary action.

\_\_\_\_\_  
Supervisor

cc: Personnel File

This is to verify that I have received a copy of this letter.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Sample Written Reprimand**

**UNEXCUSED ABSENCE**

January 5, 19\_\_

TO:

FROM:

SUBJECT:

I am presenting you with this reprimand, as disciplinary action for your insubordinate conduct and disregard of your job duties in failing to report to work on Friday, December 31, 19\_\_. On that date, you missed your regularly scheduled hours of work without my permission and without being excused.

On Wednesday, December 29, 19\_\_, you indicated to me you would not be at work on Friday. You did not ask to be absent, nor did I excuse you. I informed you that the school vacation period needs required your presence on Friday. I informed you that your "notice" was too short to make other arrangements. When I asked you for the reason why you would not be in on Friday, you said it was personal.

I explained to you then I could not excuse you and that the full crew was needed. I told you I expected you to report on Friday. On Friday, December 31, you failed to report for work.

Your insubordinate conduct in showing disrespect to me, as well as to your job, interfered with the vacation cleaning requirements in our school.

By this written reprimand, I am giving you an opportunity to correct your insubordinate behavior and to regularly work the hours scheduled on your shift and meet all the other responsibilities of your job. If you fail to do so in the future, you will subject yourself to further disciplinary action.

\_\_\_\_\_  
Supervisor

cc: Personnel File

This is to verify that I have received a copy of this letter.

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Sample Written Reprimand**  
**ABUSE OF TELEPHONE CALLS**

October 25, 19\_\_

TO:

FROM:

SUBJECT:

I am presenting you with this reprimand as disciplinary action for your improper conduct in abusing the privilege extended to you and other employees in making personal telephone calls during office hours.

On September 28, 19\_\_, you used the telephone during work hours to make personal telephone calls and I informed you then that you are violating the Building Rule. I orally warned you that if you did not correct your conduct, you would subject yourself to disciplinary action.

During your work hours, on Friday, October 20, 19\_\_, at about 1:30 p.m., you made two personal telephone calls which interrupted your work. During the previous week, on Monday, October 9, 19\_\_, you also made a personal telephone call during work hours. On neither of those occasions did you ask my permission to make the telephone calls.

The making or receiving of personal telephone calls during work hours disrupts the continuity of work and the duties and responsibilities required of your job. Each employee has the responsibility to follow directions in this area. Preferential treatment cannot be accorded to any one employee nor can one employee abuse any privilege to the detriment of the other employees.

I am, by this written reprimand, giving you an opportunity to correct your improper conduct and observe this direction in the future. I expect you will refrain hereafter from abusing privileges accorded you and fully meet the duties and responsibilities expected of you in your job. Should you fail to do so, you will subject yourself to further disciplinary action.

\_\_\_\_\_  
Supervisor

cc: Personnel File

This is to verify that I have received a copy of this letter.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Sample Written Reprimand**

**SLEEPING ON THE JOB**

December 2, 19\_\_

TO:

FROM:

SUBJECT:

I am giving you this reprimand, as disciplinary action, for your neglect of duty on November 10, 19\_\_, when you failed to fulfill the duties and responsibilities required of you in your job.

On November 30, 19\_\_, at about 1:30 p.m., you were observed by me sitting in the boiler room. Your eyes were closed, your chair was tilted backwards, and your legs were extended onto a wooden box. Under those circumstances, you were not tending to building needs for which you are responsible from 1:30 p.m. to 2:30 p.m., as indicated in your work schedule and job description. When questioned by me about the situation, you admitted that you were neglecting your duty.

By issuing this written reprimand, you are being given an opportunity to correct your neglect of duty so you will in the future fulfill all of the responsibilities and duties of your job. Should you fail to do so, you will subject yourself to further disciplinary action.

\_\_\_\_\_  
Supervisor

cc: Personnel File

This is to verify that I have received a copy of this letter.

Signature \_\_\_\_\_ Date \_\_\_\_\_